

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ADJUSTACAM LLC
Plaintiff

v.

AMAZON.COM, INC., *et al.*
Defendants

Case No. 6:10-cv-329-LED

JURY

**DECLARATION OF BRYAN D. ATKINSON AND EXHIBITS ACCOMPANYING
DEFENDANTS' MOTION TO SEVER AND STAY CLAIMS AS TO RESELLER
DEFENDANTS BASED ON THE CUSTOMER SUIT EXCEPTION**

My name is Bryan D. Atkinson, and I declare:

1. I am over the age of eighteen, and I am competent to make this declaration. I provide this declaration based upon my personal knowledge. I would testify to the facts in this declaration under oath if called upon to do so.

2. I am an attorney with the law firm Dechert LLP, counsel of record for Defendants Creative Labs, Inc., Fry's Electronics Inc., Hewlett-Packard Company, Microcenter Electronics, Inc., Office Depot, Inc., Best Buy Co. Inc., Best Buy Stores, LP, And BestBuy.com, LLC. I submit this declaration in conjunction with the above-referenced Motion to Sever and Stay Claims as to Reseller Defendants Based on the Customer Suit Exception.

3. Attached hereto as Exhibit A is a summary table showing 1) each Reseller defendant; 2) the products for each Reseller defendant identified in Plaintiff's First Amended Complaint; and 3) whether, on information and belief, a Supplier associated with that product is accused of infringement of the patent-in-suit by Plaintiff AdjustaCam.

4. Attached hereto as Exhibit B is a true and correct copy of the complaint in *AdjustaCam v. Atlanta Network Technologies, Inc., et al.*, Civil Action 6:10-cv-644-LED, Docket No. 1 (E.D. Tex. Dec. 2, 2010).

5. Attached hereto as Exhibit C is a true and correct copy of *Shifferaw v. Emson USA*, 2010 U.S. Dist. LEXIS 25612 (E.D. Tex. Mar. 18, 2010) (Everingham, J.).

6. Attached hereto as Exhibit D is a true and correct copy of *Ultra Products, Inc. v. Best Buy Co.* 2009 U.S. Dist. LEXIS 78678 (D.N.J. 2009).

7. Attached hereto as Exhibit E is a true and correct copy of a letter from Trippe Manufacturing Company ("Trippe") to its resellers regarding settlement of claims against Trippe products.

I declare under penalty of perjury under the laws of the United States of America and the laws of the state of Texas that the foregoing is true and correct to the best of my knowledge.

Signed January 13, 2011, in Austin, Texas.


Bryan D. Atkinson